

ARTICLE 17

Telecommunications Relay Services for Disabled Telephone Users

Editor's note: This article was originally enacted in 1989. The substantive provisions of this article were repealed and reenacted in 1992, causing some addition, relocation, and elimination of sections as well as subject matter. There were no amendments prior to the repeal and reenactment. For provisions of the article prior to 1992, consult the 1989 through 1991 cumulative supplements to the 1984 replacement volume.

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40-17-101. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that many of Colorado's residents are unable to utilize telecommunications facilities without assistance and are therefore disabled telephone users. Disabled telephone users include, but are not limited to, the deaf, the hard of hearing, the speech-impaired, the deaf-blind, and those with central nervous system disabilities. Disabled telephone users constitute a substantial and valuable resource within the United States and the state of Colorado, and this segment of our population needs access to telecommunications facilities in order to be contributing and productive members of our society. The role of telecommunications in our world today is inestimable. Telecommunications is the primary vehicle of commerce and industry, the means to convey and receive information and knowledge, and is one of the ways we communicate with others on a personal as well as business level. Telecommunications results in greater independence and self-sufficiency by expanding the channels for employment opportunities, the market for goods and services, human contact, and fellowship. Disabled telephone users should have equal access to this critical tool, not only for their own sake, but for the benefit of society at large. The ability to use telecommunications will enhance the business and personal lives of disabled telephone users, while stimulating and promoting economic development in Colorado. The general assembly recognizes the vitality and potential of Colorado's disabled, including disabled telephone users. Telecommunications is vital to our society, and its availability to disabled telephone users is an investment of benefit to all of Colorado.

(2) The general assembly therefore concludes that it is appropriate to provide access to telecommunications for disabled telephone users by establishing telecommunications relay services that replace and expand the dual party relay system required pursuant to this article as said article existed prior to July 1, 1992.

Source: L. 92: Entire article R&RE, p. 2132, § 1, effective July 1.

40-17-102. Definitions. As used in this article, unless the context otherwise requires:

- (1) "Commission" means the public utilities commission of the state of Colorado.
- (2) "Local exchange company" means a telecommunications company that provides telephone access lines to members of the general public who are its customers.
- (3) "Telecommunications relay services" means any telecommunications transmission services that allow a person who has a hearing or speech disability to communicate by wire or radio in a manner that is functionally equivalent to the ability of a person who does not have a hearing or speech disability. Such term includes any service that enables two-way communication between a person who uses a telecommunications device or other nonvoice terminal device and a person who does not use such a device.
- (4) "Telephone access line" means the access to the local exchange network, as defined in tariffs approved by the commission, from the premises of an end user customer of a local exchange company to the telecommunications network to effect the transfer of information.

Source: L. 92: Entire article R&RE, p. 2133, § 1, effective July 1.

40-17-103. Commission - powers and duties. (1) The commission shall administer and contract for telecommunications relay services.

(2) The commission shall adopt rules for the implementation of this article. The rules shall:

- (a) Conform with section 401 of the federal "Americans with Disabilities Act of 1990", 47 U.S.C. sec. 225, including provision for state application to the federal communications commission for certification;
 - (b) Be consistent with the commission's quality of service rules;
 - (c) Require that providers relay communicated messages promptly and accurately, maintain the privacy of persons who receive telecommunications relay services, and preserve confidentiality of all parties in connection with relayed messages;
 - (d) Specify the types of calls that are included as telecommunications relay services, specifically requiring that the costs of any long-distance service or any other service that is not a basic local exchange service be borne by the disabled telephone user.
- (3) The commission shall, through the promulgation of rules, develop and implement a mechanism to recover its costs and the cost to local exchange companies in implementing and administering telecommunications relay services required by this article. The mechanism shall, at a minimum, provide for the following:
- (a) The assessment of a monthly surcharge on each telephone access line, which surcharge may be adjusted by the commission in accordance with paragraph (d) of this subsection (3). The monthly surcharge shall be an amount sufficient to reimburse the

commission for its costs in developing, implementing, and administering telecommunications relay services, which administrative costs shall not exceed three percent of the total costs, to reimburse local exchange companies for their administrative costs in imposing and collecting the surcharge, and to cover the costs of providers in rendering the service;

(b) A requirement that the monthly surcharge be imposed upon and collected from each individual telephone access line provided by a local exchange company;

(c) A requirement that the surcharge be listed as a separate item that appears on each customer's monthly billing statement;

(d) An annual adjustment to the surcharge by the commission when necessary to accurately reflect a change in the cost of providing telecommunications relay services;

(e) The authority of a local exchange company to deduct and retain as reimbursement for its administrative costs an amount not to exceed three-quarters of one percent of the amount of total monthly surcharges collected by such local exchange company. In addition, the mechanism shall include a requirement that any remaining amount of moneys be transmitted to the state treasurer who shall credit the same to the "Colorado Disabled Telephone Users Fund" created by section 40-17-104.

(f) A requirement that each local exchange company maintain a record of the monthly surcharge imposed on each customer and collected by the local exchange company. The record of any monthly surcharge imposed and collected shall be maintained for three years from the date of billing. The commission may require an audit of a local exchange company's records, which audit shall be at the commission's expense.

(4) Repealed.

Source: **L. 92:** Entire article R&RE, p. 2134, § 1, effective July 1. **L. 93:** (3)(e) amended, p. 1794, § 93, effective June 6. **L. 96:** (4) repealed, p. 1225, § 32, effective August 7. **L. 2001:** (2)(a) amended, p. 1283, § 65, effective June 5.

Cross references: For the legislative declaration contained in the 1996 act repealing subsection (4), see section 1 of chapter 237, Session Laws of Colorado 1996.

40-17-104. Colorado disabled telephone users fund - creation - purpose. (1) Except as otherwise authorized to be retained by section 40-17-103 (3) (e), all moneys collected by the local exchange companies in accordance with said section shall be transmitted to the state treasurer, who shall credit the same to the Colorado disabled telephone users fund, which fund is hereby created and is referred to in this article as the "fund". On July 1, 1992, any moneys in the Colorado disabled telephone users fund created by section 40-17-103, as said section existed prior to July 1, 1992, shall be credited to the fund as created by this section. The general assembly shall make annual appropriations out of such fund for the administration of the fund and shall make annual appropriations to the reading services for the blind cash fund, created in section 24-90-105.5 (5), C.R.S., for use by the state librarian in support of privately operated reading services for the blind. The moneys in such fund not used for administration of such fund, not used for the reading services for the blind cash fund, and not used for the Colorado commission for the deaf and hard of hearing cash fund created in

section 26-21-107, C.R.S., are hereby continuously appropriated to the public utilities commission for the reimbursement of providers who render telecommunications services authorized by this article.

(2) Notwithstanding any provision of subsection (1) of this section to the contrary, on July 1, 1998, the state treasurer shall deduct ninety-three thousand eight hundred dollars from the Colorado disabled telephone users fund and transfer such sum to the reading services for the blind cash fund, created in section 24-90-105.5 (5), C.R.S.

(3) The commission is hereby authorized to collect information in order to prepare a written report that shall specify telecommunications equipment and service needs of disabled telephone users in Colorado. Such report shall be submitted to the business affairs and labor committees of the senate and the house of representatives on or before December 15, 1999.

(4) (a) Notwithstanding any provision of subsection (1) of this section to the contrary, the state treasurer shall transfer twenty-five thousand dollars each calendar year from the Colorado disabled telephone users fund to the Colorado commission for the deaf and hard of hearing cash fund, created in section 26-21-107, C.R.S.

(b) Repealed.

Source: L. 92: Entire article R&RE, p. 2135, § 1, effective July 1. L. 98: Entire section amended, p. 1361, § 122, effective June 1. L. 99: (1) amended and (3) added, p. 971, § 1, effective May 28. L. 2000: (1) amended and (4) added, p. 1628, § 4, effective June 1.

Editor's note: Subsection (4)(b)(II) provided for the repeal of subsection (4)(b). (See L. 2000, p 1628.)